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EXPRESS MAIL LABEL NO.: EV 328471334 US PATENT APPLICATION
Docket No.: 15991.3.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Maile, et al.

Serial No.:

10/767,549

) Art Unit

Filed:

January 29, 2004

For:

SOIL BINDING AND REVEGETATION COMPOSITIONS AND METHODS OF MAKING AND USING SUCH COMPOSITIONS

Examiner:

Unknown

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

X Form PTO-1449 list of fifteen references submitted for consideration.

____ Legible copies of the listed references or their relevant portions.

— All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☒ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

- ☐ Promptness Certification.
- ☐ Check No. _____ in the amount of \$240.00 constituting submission fee under 37 C.F.R. 1.17(p);
- ☐ Petition for Consideration and Check No. _____ in the amount of \$_____.
- ☒ In the event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 28th day of April, 2004.

Respectfully submitted,



John M. Gynn
Attorney for Applicant
Registration No. 36,153
Customer No. 022913



PATENT APPLICATION

Docket: 15991.3.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Maile, et al.)
Serial No.: 10/767,549) Art Unit
Filed: January 29, 2004)
For: SOIL BINDING AND REVEGETATION)
COMPOSITIONS AND METHODS OF)
MAKING AND USING SUCH COMPOSITIONS)
Examiner: Unknown)

EXPRESS MAILING LABEL EV 328471334 US

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to Box: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated this 28th day of April 2004.

- Transmittal for Information Disclosure Statement (2 pgs.)
- Information Disclosure Statement (2 pgs.)
- Form PTO-1449 (3 pgs.)
- Postcard

Respectfully submitted,

Kimberly Kendrick
Paralegal to John M. Guynn

EXPRESS MAIL LABEL NO.: EV 328471334 US



PATENT APPLICATION
Docket No.: 15991.3.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------------|------------------------------------|------------|
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| | |) |
| | Maile, et al. |) |
| | |) |
| Serial No.: | 10/767,549 |) Art Unit |
| | |) |
| Filed: | January 29, 2004 |) |
| | |) |
| For: | SOIL BINDING AND REVEGETATION |) |
| | COMPOSITIONS AND METHODS OF |) |
| | MAKING AND USING SUCH COMPOSITIONS |) |
| | |) |
| Examiner: | Unknown |) |

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

Statement of References Previously Disclosed

Under 37 C.F.R. § 1.98(d)

The following listed references are not enclosed because, under 37 C.F.R. § 1.98(d), they were previously cited by or submitted to the Office in application number 10/723,999, filed on November 26, 2003 which is relied upon for an earlier filing date under 35 U.S.C. § 120.

EP0274804

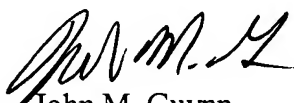
JP11011993

JP56164104

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 28th day of April 2004.

Respectfully submitted,



John M. Gynn
Attorney for Applicant
Registration No. 36,153
Customer No. 022913

JMG:kk
KKK0000002976V001

EXPRESS MAIL LABEL NO.: EV 328771334 US
Form PTO-1449

Applicant: Maile, et al.
Serial No.: 10/767,549
Filing Date: January 29, 2004



Sheet 1 of 3

Att'y Docket No.: 15991.3.1

For: SOIL BINDING AND REVEGETATION COMPOSITIONS AND
METHODS OF MAKING AND USING SUCH COMPOSITIONS

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

| <u>Examiner Initial*</u> | <u>Patent/Publication Number</u> | <u>Issue/Publication Date</u> | <u>Name</u> | <u>Filing Date</u> |
|------------------------------|--------------------------------------|-----------------------------------|-----------------|------------------------|
| _____ A1. | 6,859,442 | 07/08/03 | Wilson, et al. | 08/10/00 |
| _____ A2. | 6,432,166 | 08/13/02 | Olafson, et al. | 07/05/01 |
| _____ A3. | 6,083,891 | 07/04/00 | Hodges | 09/14/98 |
| _____ A4. | 5,897,698 | 04/27/99 | Bellas | 10/18/96 |
| _____ A5. | 5,658,486 | 08/19/97 | Rogers, et al. | 05/25/95 |
| _____ A6. | 5,514,222 | 05/07/96 | Williams | 10/25/91 |
| _____ A7. | 5,480,584 | 01/02/96 | Urano, et al. | 04/26/95 |
| _____ A8. | 4,801,635 | 01/31/89 | Zinkan, et al. | 10/30/87 |
| _____ A9. | 4,038,443 | 07/26/77 | Jacoby | 05/01/75 |
| _____ A10. | 3,896,039 | 07/22/95 | Jacoby | 03/05/73 |
| _____ A11. | 3,681,246 | 08/01/72 | Lewer, et al. | 01/18/71 |
| _____ A12. | 20030108668 | 06/12/03 | Joedicke | 01/15/03 |

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 328771334 US

Form PTO-1449

Sheet 2 of 3

Applicant: Maile, et al.

Serial No.: 10/767,549

Att'y Docket No.: 15991.3.1

Filing Date: January 29, 2004

For: SOIL BINDING AND REVEGETATION COMPOSITIONS AND
METHODS OF MAKING AND USING SUCH COMPOSITIONS

Foreign Patent Documents

| <u>Examiner Initial*</u> | <u>Document Number</u> | <u>Publ. Date</u> | <u>Country or Patent Office</u> | <u>Sub Class</u> | <u>Class</u> | <u>Trans- lation</u> |
|------------------------------|----------------------------|-----------------------|-------------------------------------|----------------------|--------------|--------------------------|
| _____ A13. | EP0274804 | 07/20/88 | EP | | | |
| _____ A14. | JP11011993 | 01/19/99 | JP | | | X |
| _____ A15. | JP56164104 | 12/17/81 | JP | | | X |

Other Documents

(including author (if listed), title, relevant pages, date of publication including at least month and year).

Examiner

Initial*

NONE

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 328771334 US

Form PTO-1449

Sheet 3 of 3

Applicant: Maile, et al.
Serial No.: 10/767,549
Filing Date: January 29, 2004

Att'y Docket No.: 15991.3.1

For: SOIL BINDING AND REVEGETATION COMPOSITIONS AND
METHODS OF MAKING AND USING SUCH COMPOSITIONS

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

KKK0000002975V001

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.